

**REMARKS/ARGUMENTS**

Claims 17-36 are pending.

Claims 17-24 and 26-31 were rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over Peters et al., U.S. Patent No. 6,415,373, in view of Baru et al., U.S. Patent No. 5,970,495.

Applicant earnestly submits that the Peters reference, especially in the portions cited by the examiner, does not provide any description regarding a first server and a second server, wherein the servers are connected via a network. More specifically, column 6, lines 19-24 of Peters describes a plurality of storage units, each of which may be provided with a server. Each of the storage units are independently controlled. In fact, it was noted in the Office action mailed July 28, 2004 that Peters shows a plurality of remote independently controlled disk storage units. *Page 2, last line of July 28 O.A.* As a consequence of being independently controlled, it is earnestly submitted that the servers therefore are not connected by network. In other words, in Peters, it is not possible to monitor and obtain information relating to the load condition of one of the storage units, or to copy data in the disk of one storage unit to another storage unit based on the monitored load condition.

By comparison to the present invention, information on the load condition of a disk can be obtained. Data stored on that disk can be "moved"; i.e., copied to any other disk in based on the obtained information.

The Baru reference teaches that all of the data that is stored in a plurality of disks can be divided among the disks in such a manner so as to evenly distribute the load among the disks. See for example the passage at column 2, lines 27-30 cited by the examiner. On the contrary, in the present invention as recited in the pending claims, the data is not divided and reallocated among the disks on which the data was originally stored. Rather, data in a disk of one storage unit that is deemed to have excessive loading is copied to a disk in another storage unit. The data in that was copied is then deleted from the original disk, thus reducing the loading in the corresponding storage unit.

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Reply to Office Action of March 21, 2005

PATENT




CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

  
George B. F. Yee  
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
GBFY:cmm  
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